

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 18557 of 1995

Between:

Nekkanti Sea Foods Limited, 62, Kirlampudi Layout,

Visakhapatnam, rep. by its Executive Director Sri A.Sreeram.

..... PETITIONER

AND

1 Agricultural Market Committee, Visakhapatnam

rep. by its Secretary.

2 Agricultural Market Committee, Vijayawada, Krishna

District, rep. by its Special Grade Secretary.

3 Agricultural Market Committee, Tanguturu, Prakasam District

rep. by its Special Grade Secretary.

4 Agricultural Market Committee, Martur, Santhamangalur,

Prakasam District, rep. by its Special Grade Secretary.

5 Agricultural Market Committee, Nellore, Nellore District,

rep. by its Special Grade Secretary.

6 Agricultural Market Committee, Naidupeta, Nellore District,

rep. by its Special Grade Secretary.

7 Agricultural Market Committee, Medarmetla, Addanki,

Prakasam District rep. by its Special Grade Secretary.

8 Agricultural Market Committee, Ravulapalem, Kothapeta,

East Godavari District, rep. by its Special Grade Secretary.

9 Agricultural Market Committee, Eluru, West Godavari District

rep. by its Special Grade Secretary.

10 Agricultural Market Committee, Kavali, Nellore District,

rep. by its Special Grade Secretary.

11 Agricultural Market Committee, Ambajipeta, East Godavari District, rep. by its Special Grade Secretary.

12 Agricultural Market Committee, Guntur, Guntur District,

rep by its Special Grade Secretary.

13 Agricultural Market Committee, Mangalagiri, Guntur District,

rep by its Special Grade Secretary.

14 Agricultural Market Committee, Chilakamipeta, Guntur

District, rep. by its Special Grade Secretary.

15 Agricultural Market Committee, Singarayakonda, Kandukur,

rep by its Special Grade Secretary.

16 Agricultural Market Committee, Anakapalli, Vizag District

rep by its Special Grade Secretary.

17 Agricultural Market Committee, Yellamanchili, Vizag

District, rep. by its Special Grade Secretary.

18 Agricultural Market Committee, Narsipatnam, Vizag

District, rep. by its Special Grade Secretary.

19 Agricultural Market Committee, Visakhapatnam, Vizag

District, rep. by its Special Grade Secretary.

20 Agricultural Market Committee, Tuni, East Godavari

District, rep by its Special Grade Secretary.

21 Agricultural Market Committee, Rajahmundry, East

Godavari District, rep. by its Special Grade Secretary.

22 Agricultural Market Committee, Pithapuram, East

Godavari District, rep by its Special Grade Secretary.

23 Agricultural Market Committee, Ramachandrapuram, East

Godavari District, rep. by its Special Grade Secretary.

24 Agricultural Market Committee, Mandapeta, East Godavari

District, rep. by its Special Grade Secretary.

25 Agricultural Market Committee, T.P. Gudem, West Godavari

District, rep. by its Special Grade Secretary.

26 Agricultural Market Committee, Kovvuru, West Godavari

District, rep. by its Special Grade Secretary.

27 Agricultural Market Committee, Tanuku, West Godavari

District, rep. by its Special Grade Secretary.

28 Agricultural Market Committee, Kaikalur, Krishna

District, rep. by its Special Grade Secretary.

29 Agricultural Market Committee, Vuyyuru, Krishna District,

rep by its Special Grade Secretary.

30 Agricultural Market Committee, Bapla, Guntur District,

rep by its Special Grade Secretary.

31 Agricultural Market Committee, Chirala, Prakasam District,

rep by its Special Grade Secretary.

32 Agricultural Market Committee, Tada, Prakasam District,

rep by its Special Grade Secretary.

33 Agricultural Market Committee, Ongole, Prakasam District

rep by its Special Grade Secretary.

34 Agricultural Market Committee, Vizianagaram, Vizianagaram

District, rep by its Special Grade Secretary.

35 Agricultural Market Committee, Srikakulam, Srikakulam

District, rep by its Special Grade Secretary.

36 Agricultural Market Committee, Palacole, West Godavari,

rep by its Special Grade Secretary.

37 Agricultural Market Committee, Bhimavaram, West Godavari

District, rep by its Special Grade Secretary.

38 Agricultural Market Committee, Bheemunipatnam, Visakhapatnam

District, rep. by its Special Grade Secretary.

39 Agricultural Market Committee, Repalle, Guntur District,

rep by its Special Grade Secretary.

40 Agricultural Market Committee, Machilipatnam, Krishna

District, rep by its Special Grade Secretary.

41 Agricultural Market Committee, Nagayalanka, Krishna

District, rep by its Special Grade Secretary.

42 Agricultural Market Committee, Kothapeta, East Godavari

District, rep by its Special Grade Secretary.

43 Agricultural Market Committee, Amalapuram, East

Godavari District, rep by its Special Grade Secretary.

44 Government of Andhra Pradesh, rep by its Secretary,
Food & Agricultural Department, Hyderabad.

45 Government of India, rep by the Secretary,
Industries Department, New Delhi.

.....Respondent(s)

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or Order or Direction declaring that Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1966 has no application to the prawn trade and accordingly declare that the petitioner is not liable to pay licence fee and market fee and interdict the respondents from taking any action against the petitioner under the said Act.

For the Petitioner: MR. M. V. K. VISWANADHAM, Advocate.

For the Respondent Nos.1 to 43: MR. BADANA BHASKAR RAO

(SC for Agricultural Market Committee)

For the Respondent No.44: The Government Pleader for Food & Agriculture

For the Respondent No.45: Mr. A. Rajasekhara Reddy, SC for Central Government

The Court made the following :

ORDER:

The writ petition is filed seeking to declare that Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1966 (for short “the Act”) has no application to the prawn trade and to declare that the petitioner is not liable to pay licence fee and market fee and to interdict the respondents from taking any action against the petitioner under the said Act.

When the matter came up today, the learned counsel for the petitioner submitted that the subject matter involved in this writ petition fell for consideration before the Apex Court in **I.T.C. Ltd., Vs. Person Incharge, Agricultural Market Committee, Kakinada and others**, wherein it was held that Market Committee is empowered to levy fees on the prawns under Section 12 of the A.P. (Agricultural Produce & Livestock) Markets Act (16 of 1966).

Under the circumstances, following the said judgment, the writ petition is also dismissed for the same and similar reasons. No costs.

N.V. RAMANA, J

Date: 20-09-2004

Svv

To

- 1 The Secretary, Agricultural Market Committee, Visakhapatnam.
- 2 The Special Grade Secretary, Agricultural Market Committee, Vijayawada, Krishna district.
- 3 The Special Grade Secretary, Agricultural Market Committee, Tanguturu, Prakasam district.
- 4 The Special Grade Secretary, Agricultural Market Committee, Martur, Santhamangalur, Prakasam district.
- 5 The Special Grade Secretary, Agricultural Market Committee, Nellore, Nellore district.
- 6 The Special Grade Secretary, Agricultural Market Committee, Naidupeta, Nellore district.
- 7 The Special Grade Secretary, Agricultural Market Committee, Medarmetla, Addanki, Prakasam district.
- 8 The Special Grade Secretary, Agricultural Market Committee, Ravulapalem, Kothapet, East Godavari District.
- 9 The Special Grade Secretary, Agricultural Market Committee, Eluru, West Godavari district.
- 10 The Special Grade Secretary, Agricultural Market Committee, Kavali, Nellore district.
- 11 The Special Grade Secretary, Agricultural Market Committee, Ambajipet, East Godavari District
- 12 The Special Grade Secretary, Agricultural Market Committee, Guntur, Guntur District.
- 13 The Special Grade Secretary, Agricultural Market Committee, Mangalagiri, Guntur district.
- 14 The Special Grade Secretary, Agricultural Market Committee, Chilakamipeta, Guntur district.
- 15 The Special Grade Secretary, Agricultural Market Committee, Singarayakonda, Kandukur, Prakasam District.
- 16 The Special Grade Secretary, Agricultural Market Committee, Anakapalli, Vizag district.
- 17 The Special Grade Secretary, Agricultural Market Committee, Yellamanchili, Vizag district.
- 18 The Special Grade Secretary, Agricultural Market Committee, Narsipatnam, Vizag district.
- 19 The Special Grade Secretary, Agricultural Market Committee, Visakhapatnam, Vizag district.
- 20 The Special Grade Secretary, Agricultural Market Committee,

Tuni, East Godavari District

- 21 The Special Grade Secretary, Agricultural Market Committee, Rajahmundry, East Godavari District.
- 22 The Special Grade Secretary, Agricultural Market Committee, Pithapuram, East Godavari District.
- 23 The Special Grade Secretary, Agricultural Market Committee, Ramachandrapuram, East Godavari District.
- 24 The Special Grade Secretary, Agricultural Market Committee, Mandapeta, East Godavari District.
- 25 The Special Grade Secretary, Agricultural Market Committee, T.P. Gudem, West Godavari district.
- 26 The Special Grade Secretary, Agricultural Market Committee, Kovvuru, West Godavari District.
- 27 The Special Grade Secretary, Agricultural Market Committee,

Tanuku, West Godavari District.

- 28 The Special Grade Secretary, Agricultural Market Committee, Kaikalur, Krishna District.
- 29 The Special Grade Secretary, Agricultural Market Committee,

Vuyyuru, Krishna District.

- 30 The Special Grade Secretary, Agricultural Market Committee, Bapla, Guntur district.
- 31 The Special Grade Secretary, Agricultural Market Committee, Chirala, Prakasam district.
- 32 The Special Grade Secretary, Agricultural Market Committee, Tada, Prakasam district.
- 33 The Special Grade Secretary, Agricultural Market Committee,

Ongole, Prakasam district.

- 34 The Special Grade Secretary, Agricultural Market Committee, Vizianagaram, Vizianagram district.
- 35 The Special Grade Secretary, Agricultural Market Committee, Srikakulam, Srikakulam district.
- 36 The Special Grade Secretary, Agricultural Market Committee,

Palacole West Godavari District.

- 37 The Special Grade Secretary, Agricultural Market Committee, Bhimavaram, West Godavari District.
- 38 The Special Grade Secretary, Agricultural Market Committee, Bheemunipatnam, Visakhapatnam district.
- 39 The Special Grade Secretary, Agricultural Market Committee,

Repalle, Guntur district.

- 40 The Special Grade Secretary, Agricultural Market Committee, Machilipatnam, Krishna district.
- 41 The Special Grade Secretary, Agricultural Market Committee, Nagayalanka, Krishna district.
- 42 The Special Grade Secretary, Agricultural Market Committee, Kothapeta, East Godavari District.
- 43 The Special Grade Secretary, Agricultural Market Committee, Amalapuram, East Godavari District.

44 The Secretary, Food & Agricultural Department, Government of Andhra Pradesh, Hyderabad.

45 The Secretary, Industries Department, Government of India, New Delhi.

46 Two CCs. to Govt. Pleader for Food and Agriculture, High Court of A.P., Hyderabad (OUT)

47 Two CD copies.